

IC 4-13

ARTICLE 13. ADMINISTRATIVE MANAGEMENT OF STATE SERVICES, EMPLOYEES, PURCHASES, AND PROPERTY

IC 4-13-1

Chapter 1. Department of Administration

IC 4-13-1-1

Short title; "state agency" defined; use of department services by other entities

Sec. 1. (a) This chapter shall be known and may be cited as the "Administration Act of 1961".

(b) As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government. The term "state agency" does not include the judicial or legislative departments of state government, nor does that term include a state educational institution as defined in IC 20-12-0.5-1.

(c) Notwithstanding subsection (b), the following entities may, with the consent of the commissioner of the department of administration, use the services of the department:

- (1) The judicial department of state government.
- (2) The legislative department of state government.
- (3) A state educational institution, as defined in IC 20-12-0.5-1.
- (4) A political subdivision, as defined in IC 36-1-2-13.
- (5) A body corporate and politic created by statute.

(Formerly: Acts 1961, c.269, s.1.) As amended by Acts 1981, P.L.32, SEC.2; P.L.28-1983, SEC.2; P.L.14-1984, SEC.1.

IC 4-13-1-2

Creation of department; commissioner; officers and employees

Sec. 2. There is hereby created a department of state government which shall be known as the Indiana department of administration, referred to in this chapter as the department; and which shall consist of a commissioner as its executive head and of such officers and employees which shall be appointed or employed in such department. The commissioner shall be appointed by the governor and he shall hold office at the pleasure of the governor. The commissioner shall be well versed in administrative management and in the affairs of state government which by law are the responsibility of the governor, and shall in no manner affect the separate judicial and legislative departments of state government which by law and the Constitution of the State of Indiana are under the jurisdiction and are the responsibility of other state elected officials. The compensation of the commissioner shall be fixed and determined by the state budget agency subject to the approval of the governor.

(Formerly: Acts 1961, c.269, s.2.) As amended by Acts 1981, P.L.32, SEC.3.

IC 4-13-1-3

Divisions of department

Sec. 3. (a) The department consists of the following divisions:

- (1) General services.
- (2) Property management.
- (3) Information services.
- (4) Public works.
- (5) State land office.

(b) The commissioner may do the following:

- (1) Organize the department and its divisions.
- (2) Transfer or merge functions between divisions in the interest of economy and efficiency.
- (3) Terminate certain divisions within the department whenever possible.

(c) The commissioner may exercise direction and supervision over the divisions in the performance of their respective functions, subject to the approval of the governor.

(Formerly: Acts 1961, c.269, s.3; Acts 1971, P.L.26, SEC.1.) As amended by Acts 1981, P.L.30, SEC.1; Acts 1981, P.L.32, SEC.4; P.L.26-1989, SEC.2; P.L.7-1993, SEC.3; P.L.49-1997, SEC.4.

IC 4-13-1-4

Duties and functions

Sec. 4. The department shall, subject to this chapter, do the following:

- (1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
- (2) Supervise and regulate the making of contracts by state agencies.
- (3) Perform the property management functions required by IC 4-20.5-6.
- (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
- (5) Maintain and operate the following for state agencies:
 - (A) Central duplicating.
 - (B) Printing.
 - (C) Machine tabulating.
 - (D) Mailing services.
 - (E) Centrally available supplemental personnel and other essential supporting services.
 - (F) Information services.
 - (G) Telecommunication services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund, the telephone rotary fund, and the data processing rotary fund are established through which these

services may be rendered to state agencies. The budget agency shall determine the amount for each rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

- (A) inspect;
- (B) regulate their operation; and
- (C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(Formerly: Acts 1961, c.269, s.4; Acts 1967, c.195, s.1; Acts 1967, c.279, s.1.) As amended by Acts 1977, P.L.31, SEC.2; Acts 1978, P.L.13, SEC.1; Acts 1979, P.L.40, SEC.7; Acts 1981, P.L.30, SEC.2; Acts 1981, P.L.32, SEC.5; Acts 1982, P.L.23, SEC.1; P.L.28-1983, SEC.3; P.L.24-1985, SEC.1; P.L.26-1989, SEC.3; P.L.18-1991, SEC.3; P.L.7-1993, SEC.4; P.L.5-1993, SEC.2; P.L.49-1997, SEC.5; P.L.267-1999, SEC.1; P.L.53-2001, SEC.1; P.L.292-2001, SEC.1.

IC 4-13-1-4.1

Repealed

(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-1-4.5

Repealed

(Repealed by Acts 1981, P.L.30, SEC.4.)

IC 4-13-1-5

Duties and functions; construction of chapter

Sec. 5. The enumeration of duties and functions, as designated in section 4 of this chapter, shall not be deemed exclusive nor construed as a limitation of the powers and authority vested in the department by other provisions of this chapter. This chapter shall be construed liberally to effectuate its policies and purposes to improve the financial, personnel, and managerial activities of state government.

(Formerly: Acts 1961, c.269, s.5.) As amended by P.L.5-1984, SEC.44.

IC 4-13-1-6

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-7

Administrative and procedural rules and regulations

Sec. 7. The commissioner is empowered to adopt, amend, and promulgate such reasonable administrative and procedural rules and regulations, not inconsistent with any applicable law of this state, as he may deem necessary for the effective administration of this chapter; provided, that all such rules and regulations shall be issued and promulgated pursuant to the provisions of IC 4-22-2.

(Formerly: Acts 1961, c.269, s.6.) As amended by P.L.5-1984, SEC.46.

IC 4-13-1-8

Administrative and organizational surveys

Sec. 8. The department is hereby authorized to make administrative

and organizational surveys of the departments, institutions, boards, commissions, and other agencies to determine whether the activities thereof are essential to good government and are being carried on in an economical and efficient manner and without duplication, for the purpose of determining the feasibility of improving the administration of state government by the elimination of unnecessary positions and activities, the avoidance of duplication, and by the use of improved procedures and organization.

(Formerly: Acts 1961, c.269, s.7.)

IC 4-13-1-9

State reports and publications; curtailment and elimination powers of commissioner

Sec. 9. The commissioner shall determine the number and distribution of all state reports and publications: Provided, That said commissioner shall curtail and eliminate wherever possible all departmental reports, bulletins and publications.

(Formerly: Acts 1961, c.269, s.8.) As amended by Acts 1979, P.L.40, SEC.8.

IC 4-13-1-10

Repealed

(Repealed by P.L.3-1989, SEC.18.)

IC 4-13-1-11

Repealed

(Repealed by Acts 1981, P.L.30, SEC.4.)

IC 4-13-1-12

Official bonds of state officers and employees; approval; bonds of officers or employees of department

Sec. 12. All performance or security bonds required of state officials or employees, except such bonds as are required of elected state officials and those under their jurisdiction, shall be approved, and the amount fixed by the commissioner wherein same is not fixed by law. The commissioner may require a bond and fix the amount of any officer or employee of the department or of any other officer or employee of this state when such may be needed to protect the interest of the state and where authorized by law.

(Formerly: Acts 1961, c.269, s.11.)

IC 4-13-1-13

Repealed

(Repealed by P.L.1-1991, SEC.10.)

IC 4-13-1-13.1

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-13.2

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-13.5

Federal surplus property; receipt, storage, and distribution

Sec. 13.5. (a) The Indiana department of administration is designated as the state agency to receive, store, and distribute federal surplus property according to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) The Indiana department of administration may enter into cooperative agreements pursuant to Section 203(n) of the Federal Property and Administrative Services Act, as amended.

(c) As to any property it elects to receive, the Indiana department of administration shall comply with the requirements of the Federal Property and Administrative Services Act of 1949, as amended.

As added by Acts 1978, P.L.14, SEC.1.

IC 4-13-1-14

Retirement credits of transferred personnel

Sec. 14. All retirement credits and any other legal rights of personnel transferred to the department shall not be impaired by Acts 1961, c.269.

(Formerly: Acts 1961, c.269, s.13.) As amended by P.L.5-1984, SEC.47.

IC 4-13-1-15

Application of law to state agencies and institutions

Sec. 15. The provisions of this chapter shall in no way restrict the powers of the state board of accounts as prescribed by IC 5-11-1 and shall in no way restrict the powers and functions of the Indiana state police as prescribed by IC 10-1-1; nor shall the provisions of this chapter except IC 4-13-1-4(1) and (3) apply to the state universities and Ivy Tech State College.

(Formerly: Acts 1961, c.269, s.15; Acts 1967, c.279, s.2; Acts 1971, P.L.27, SEC.1.) As amended by Acts 1981, P.L.32, SEC.6; P.L.5-1995, SEC.2.

IC 4-13-1-16

Public works projects and state purchases; distribution of notice pertaining to procedures and qualifications

Sec. 16. At least once each year, the department of administration shall distribute to representatives of the news media throughout Indiana a notice stating that information concerning:

(1) the notice and bidding procedures for state public works projects and state purchases of supplies and services; and

(2) the procedures for qualifying as:

(A) a contractor for the design or construction of a state public works project; or

(B) a vendor for a state purchase of services or supplies;

is available upon request from the department.

As added by P.L.28-1983, SEC.5.

IC 4-13-1-17

Insurance; loss or damage to property

Sec. 17. (a) A state agency may not purchase insurance to cover loss or damage to property.

(b) This section does not prohibit any of the following:

- (1) The purchase of title insurance by a state agency.
- (2) The purchase of insurance by a body corporate and politic.
- (3) The purchase of insurance to meet requirements for receipt of federal funds by a state agency.
- (4) The requiring of contractors to carry insurance.
- (5) The purchase of insurance to cover loss or damage to real property owned by the public employees' retirement fund or the Indiana state teachers' retirement fund.
- (6) The purchase of insurance to cover loss or destruction of money or securities under the control of the treasurer of state.
- (7) The purchase of insurance by a state agency to cover loss or damage to exhibits, artifacts, or other materials that are loaned to the agency.
- (8) The purchase of casualty and liability insurance for foster parents (as defined in IC 27-1-30-4) on a group basis.

As added by P.L.24-1985, SEC.2. Amended by P.L.14-1986, SEC.1; P.L.28-1987, SEC.1; P.L.29-1987, SEC.1; P.L.28-1989, SEC.1.

IC 4-13-1-18

Disputes and bid protests; procedural rules; judicial review

Sec. 18. (a) The department may adopt rules under IC 4-22-2 providing procedures for disputes and bid protests.

(b) Judicial review of the department's decision in a dispute or bid protest is available only after exhausting the administrative remedies set forth in the rules.

As added by P.L.5-1993, SEC.3.

IC 4-13-1-19

Property interests in contract awards

Sec. 19. A bidder or an offeror does not gain a property interest in the award of a contract by the department unless the bidder or offeror is awarded the contract and the contract is completely executed.

As added by P.L.5-1993, SEC.4.

IC 4-13-1-20

Inspection, appraisal, and inventory of property; reports; rules governing protection and custody

Sec. 20. (a) This section does not apply to property covered under IC 4-20.5-6-3.

(b) The department shall do both of the following:

- (1) Provide for the periodic inspection, appraisal, and inventory of all of the state's property.
- (2) Require reports from each state agency concerning the

property in the custody of each state agency.

(c) The department may adopt rules under IC 4-22-2 to govern the protection and custody of the property of the state.

As added by P.L.7-1993, SEC.5.

IC 4-13-1-21

Provision of false information; sanctions

Sec. 21. The department may impose any of the following sanctions if the department determines that a bidder, offeror, or contractor has knowingly or intentionally provided false information to the department:

- (1) The bidder or offeror may be declared nonresponsive or nonresponsible.
- (2) The department may:
 - (A) find the contractor in breach of the contract; and
 - (B) recover all amounts paid under the contract.
- (3) The department may bar the bidder, offeror, or contractor from doing business with the state for a period not to exceed three (3) years.

As added by P.L.29-1993, SEC.1.

IC 4-13-1-22

Report on professional services contracts

Sec. 22. (a) As used in this section, "professional services" means the furnishing of services by any of the following:

- (1) A person licensed, certified, or registered under IC 25-2.1 or by any board listed in IC 25-1-5-3.
- (2) An attorney.
- (3) An expert witness, a court reporter, or an investigator retained by the state in connection with judicial or administrative proceedings involving the state.
- (4) A minister, priest, rabbi, or another person empowered by the person's religious faith to conduct religious services or to provide spiritual counseling or guidance.
- (5) A person who performs services, the satisfactory rendition of which depends upon the person's unique training or skills.

(b) Before August 15 of each year, each state agency shall file with the commissioner a report concerning the professional services contracts that:

- (1) were awarded by that state agency during the previous state fiscal year; and
- (2) were not procured through the Indiana department of administration.

(c) Before October 1 of each year, the commissioner shall compile and make available for public inspection a report concerning the professional services contracts awarded by each state agency during the preceding state fiscal year.

As added by P.L.49-1997, SEC.6.

IC 4-13-1-23

Central warehouse for supplies; warehousing and stationery

revolving fund

Sec. 23. (a) As used in this section, "supplies" has the meaning set forth in IC 5-22-2-38.

(b) The commissioner shall establish a central warehouse.

(c) Whenever the commissioner considers it advantageous to purchase supplies for use by state agencies for industries or for general operating purposes, the commissioner may do so and store the supplies in the state warehouse. The cost of purchasing the supplies and the expense incident to storing them shall be paid in the first instance from the warehousing and stationery revolving fund established by subsection (f).

(d) The commissioner shall keep all state agencies informed of the supplies available in the warehouse.

(e) The same procedure for requesting supplies from the warehouse shall be followed as in requesting a purchase of the supplies except that the request shall specify that the supplies shall be drawn from the warehouse. The commissioner shall invoice to each state agency, and file a claim for reimbursement for any supplies furnished. The commissioner shall add to the actual cost an amount sufficient to pay for all warehouse and handling charges. The commissioner may not charge an amount in excess of the actual cost and expense so as to show a profit in operating the warehouse.

(f) The warehousing and stationery revolving fund is established. The fund may not exceed six hundred thousand dollars (\$600,000). The fund must be used for the following:

(1) Establishing a central warehouse.

(2) Purchasing supplies when, in the commissioner's opinion, it is advantageous or essential to the proper and economical operation of state government.

As added by P.L.49-1997, SEC.7.